

Exhibit A – Plaintiff's Complaint

Approved, SCAO

Original - Court
1st Copy- Defendant2nd Copy - Plaintiff
3rd Copy -ReturnSTATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

SUMMONS

CASE NO.
21-007018-NO
Hon.Dana Margaret Hathaway

Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-2444

Plaintiff's name(s), address(es), and telephone no(s)
Malone, LaDawne

v

Defendant's name(s), address(es), and telephone no(s).
Home Depot U.S.A., Inc.

Plaintiff's attorney, bar no., address, and telephone no

James S. Marco 80419
23077 Greenfield Rd Ste 557
Southfield, MI 48075-3727**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court,

where it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date
6/10/2021Expiration date*
9/9/2021Court clerk
Carlita McMiller

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



SUMMONS
Case No. : 21-007018-NO

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint.

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	
Incorrect address fee \$	Miles traveled \$	Fee \$	Total fee \$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____ Day, date, time

_____ on behalf of _____
Signature

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

LADAWNE MALONE,

Plaintiff,

vs.

Case No. 21-
Hon.

NO

HOME DEPOT U.S.A., INC.

Defendant.

JAMES S. MARCO (P80419)
Zamler, Shiffman & Karfis, P.C.
Attorneys for Plaintiff
23077 Greenfield Rd., Ste. 557
Southfield, MI 48075
(248) 443-6567/fax (248) 552-1380
jmarco@zskpc.com

There is no other civil action between these parties out of the same transaction occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court,

/s/ James S. Marco
PLAINTIFF'S ATTORNEY

COMPLAINT
AND DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, LADAWNE MALONE, by and through her attorneys, ZAMLER, SHIFFMAN, & KARFIS, P.C., and complaining against Defendant, HOME DEPOT U.S.A., INC., Plaintiff states that:

(Jurisdiction & Venue)

1. Plaintiff, LADAWNE MALONE, is a resident of the City of Farmington Hills, County of Oakland, State of Michigan.
2. Defendant, HOME DEPOT U.S.A., INC., ("HOME DEPOT") is a Delaware corporation that is duly organized in accordance with the laws of the State of Michigan and doing business in the City of Detroit, County of Wayne, State of Michigan.
3. The amount in controversy exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars. [MCR 2.111 (B)(2)].

(Allegations Common to All Counts)

4. On or about October 22, 2020, Plaintiff, LADAWNE MALONE, was an invitee on the HOME DEPOT premises located at 18700 Meyers Road, in the City Detroit, County of Wayne, State of Michigan.
5. At the time and place aforesaid, Plaintiff, LADAWNE MALONE, was injured at HOME DEPOT when a home depot employee caused a steel pole that was stored unsecured, and in an upright position against a wall, to fall and strike Plaintiff in the head, resulting in grievous injuries.

6. At all times herein, Plaintiff was acting in a reasonable and prudent manner.
7. Plaintiff, LADAWNE MALONE was not guilty of negligence or comparative negligence in the happening of the hereinafter described accident.

COUNT I - NEGLIGENCE

8. Plaintiff hereby adopts and incorporates by reference all of the allegations and statements set forth in Paragraphs 1 through 7 of this Complaint as if set forth herein in full.
9. It was the duty of the Defendant HOME DEPOT and its employees to exercise due care in the performance of its actions so as to prevent injury to Plaintiff.
10. Further, Defendant HOME DEPOT had a duty toward Plaintiff to warn of dangerous conditions of which they knew or should have known.
11. Notwithstanding said duties, Defendant HOME DEPOT breached them in the following particulars:
 - (a) Failing to take precautionary measures to prevent and/or alleviate the dangerous situation caused by the steel pole, which was stored in an unsecured, upright position, from falling and striking Plaintiff in the head;
 - (b) Creating a dangerous condition by improperly securing the steel pole which fell from its unsecured, upright position against the wall, striking Plaintiff in the head;
 - (c) Creating a dangerous condition when its employee dislodged the steel pole from its unsecured, upright position against the wall, causing it to fall and strike Plaintiff in the head;
 - (d) Failing to warn Plaintiff of the dangerous condition caused by the steel pole which fell from its unsecured, upright position against a wall, striking Plaintiff in the head;

- (e) Performing other acts of negligence not yet known by Plaintiff but which will be ascertained during the discovery of said litigation;

12. As a direct and proximate result of the negligence of Defendant, Plaintiff LADAWNE MALONE suffered severe personal injuries including but not limited to a head injury resulting in stitches, permanent scarring, and various cognitive deficits.
13. Prior to said accident, Plaintiff LADAWNE MALONE was a reasonably strong and healthy person, but because of the negligence of the Defendant and the injuries received, Plaintiff became ill, sore, and lame; she has suffered and will continue to suffer pain, humiliation, embarrassment, mental anguish, gross indignity and inconvenience because of the permanent nature of said injuries; she has suffered or may yet suffer aggravation or activation of a pre-existing condition; she has suffered both wage loss and impairment of her earning capacity due to the permanent nature of her injuries; she has been forced to expend and will continue to expend considerable sums of money in and about the alleviation of her suffering; and she finds it impossible to participate in the usual activities of life in which she indulged prior to his injuries.

WHEREFORE, Plaintiff prays for a Judgment against Defendant HOME DEPOT of actual and consequential damages in whatever amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) she is deemed to be entitled by this Honorable Court and/or Jury, together with costs, interest, and attorney fees.

Respectfully submitted,

Zamler, Shiffman, & Karfis P.C.

BY: /s/ James S. Marco
JAMES S. MARCO (P80419)
Zamler, Shiffman & Karfis, P.C.
Attorneys for Plaintiff
23077 Greenfield Rd., Ste. 557
Southfield, MI 48075
(248) 443-6567/fax (248) 552-1380
jmarco@zskpc.com

Dated: June 8, 2021

21-007018-NO FILED IN MY OFFICE Cathy M. Garrett WAYNE COUNTY CLERK 6/10/2021 11:29 AM Carlita McMiller

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

LADAWNE MALONE,

Plaintiff,

vs.

Case No. 21-
Hon.

NO

HOME DEPOT U.S.A., INC.

Defendant.

_____/

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_____/

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, LADAWNE MALONE, by and through her attorneys,
ZAMLER, SHIFFMAN, & KARFIS P.C., and hereby demand a trial by jury in the above-

entitled matter.

Respectfully submitted,

Zamler, Shiffman, & Karfis P.C.

BY: /s/ James S. Marco

JAMES S. MARCO (P80419)

Zamler, Shiffman & Karfis, P.C.

Attorneys for Plaintiff

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Dated: June 8, 2021